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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,838	05/01/2001	Masayuki Tani	500.31754CX2	2305

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EXAMINER

MENGISTU, AMARE

ART UNIT PAPER NUMBER

2673

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,838

Applicant(s)

TANI ET AL.

Examiner

Amare Mengistu

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 103-111 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 103-111 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12&14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

1. The copies of the Japanese patents (60-48951) and (58-58686) filed on Sep.12, 2002 are not considered by the Examiner; because they are not related art to the Applicants filed application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 103-104, 107-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan (4,992,866) in view of Mackay (5,307,456) and Sawyer (4,717,971).

As to claims 103, 107-108, 110-111, Morgan disclose an image searching system for searching a video image using a computer which stores, in correspondence with a camera, data of subjects in an area capable of being imaged by the camera for imaging the video image, comprising: a subject searching step of searching said data of subject (see, Abstract; col.2, lines 23-37, 63- col.3, lines 19-58), a video image displaying step of, when the subject fitting the search key is specified by the subject searching step, displaying on a display unit a video image output from a camera which images the subject thus specified (Abstract, col.5, lines 11-48, col.6, lines 26-52, 63- col.7, lines 32);

an area designation unit which designates an area of the video image on the screen displayed by the display unit (see, fig.1 (30)); a process defining unit which defines an operation process to be executed when an event is executed at the area designate by the area designating unit (fig.1 (20)). Morgan did not expressly detailed an inputting step of inputting a text or a figure and a subject searching step of searching said data of subjects by using the text or figure. Mackay teaches that it is well known for a multi-media production (video tape or a video production) system for the user to create or edit modify and update the created (stored) work product (see, figs. 26-30, col.11, lines 32-47, col.27, lines 38-50, col.30, lines 32-40, lines 65 – col.31, lines 22).

Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to have been motivated to combine the method of activating the stored video images taken by the video cameras as taught by Mackay into the system of Morgan because this will provide the user to store the video camera image and allow to edit and modify the video image for the future use.

Morgan as modified by Mackay teaches editing and modifying the stored video images, but failed to teach an inputting step of inputting a text or a figure and a subject searching step of searching said data of subjects by using the text or figure. However; Sawyer suggest that it is conventional to search by activating a text to search for stored video image (see, col.5, lines 36-54, col.5, liens 24- col.6, lines 4; activating the "albums" menu to search for a particular picture is the same as inputting text).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to incorporate the Sawyer's method of text

search for stored video image into the video image display system of Morgan (as modified by MacKay) this is an alternative way of searching the stored video image by activating the text in the menu instead of using a touch screen.

As to claims 104 and 109, Morgan discloses the image-displaying step includes a sub step of synthesizing a graphics representation of the subject (see, col.3, lines 49-58, col.4, lines 54-65).

4. Claims 105 and 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan, MacKay and Sawyer in view of Lang (5,021,878).

As to claims 105 and 106, Morgan (as modified by MacKay and Sawyer) teaches searching using text, but has failed to teach using voice as a search. However, Lang suggest that in a remote control station to control an animated character a speed pedal is used to select restored speech for transmission via an audio system (see, Abstract, col.1, lines 37-62, col.4, lines 50- col.5, lines 2).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to use the audio control system of Lang into the device of Morgan because this is an advantage for the Morgan's system since this will avoid the use of wires or other umbilical type connections which takes away the purpose of simulating human life.

Response to Arguments

5. Applicant's arguments with respect to claims 103-111 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Mengistu whose telephone number is (703)305-4880. The examiner can normally be reached on M-F, T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703)305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9600.


Amare Mengistu
Primary Examiner
Art Unit 2673

A.M
November 27, 2002